IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

SA.No. 727 of 1994

AS.316/1988 of DIST. & SESSIONS COURT,TRIVANDRUM
OS.499/1981 of MUNSIFF COURT,NEDUMANGAD
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APPELLANT/RESPONDENT/PLAINTIFF:

VIMALA KUMARI AMMA,
D/O. GOMATHI PILLA,
LEKSHMIVILASOM BUNGALOW,
KAVUMMOOLA AMACHAL MURI,
KULATHUMMAL VILLAGE.

BY ADV. SRI.B.KRISHNA MANI
SRI.V.PREMCHAND

RESPONDENTS/APPELLANT/2ND RESPONDENT/2ND DEFENDENT:
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1. **BHANUMATHI AMMA,**
D/O. CHELLAMMA PILLAI,
KUNNUPURATHU BUNGALOW, KUCHAPPURAM, AMACHAL MURI,
KULATHUMMAL VILLAGE.

2. **CHELLAMMA PENEENA, SEENI COTTAGE,**
KOCHAPPURAM, AMACHAN MURI,
KULATHUMMAL VILLAGE.

BY ADV. SRI.B.GOPAKUMAR
R1 BY ADV. SRI. M. KRISHNAN NAIR
SRI. N.A. AUGUSTINE

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD
ON 19/10/2007, THE COURT ON DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

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S.A. NO. 727 OF 1994

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Dated this the day of October,2007

JUDGMENT

Appellant is the plaintiff. The suit was originally decreed. Second defendant alone filed first appeal. In the first appeal decree was set aside and suit was dismissed. It is challenging that judgment, this appeal is filed. The legal representative of the first respondent filed a petition as early as 30.10.2006 reporting that first respondent died on 10.11.2000 and the appeal is already abated. Eventhough one year is going to be lapsed to implead the legal heirs, no steps taken. Hence appeal dismissed as abated.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

W.P.(C).NO. /06

JUDGMENT

SEPTEMBER,2006